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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,707	02/25/2004	Zidu Ma	67,097-023; EH-11106	3642
26096	7590	12/09/2008	EXAMINER	
CARLSON, GASKEY & OLDS, P.C.			FORTUNA, ANA M	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ZIDU MA,
LOUIS J. SPADACCINI, HE HUANG, HARRY CORDATOS,
FOSTER PHILLIP LAMM and INGO PINNAU

Application No. 10/786,707
Technology Center 1700

Mailed: December 9, 2008

Before PAMELA S. BENNETT, *Review Team Paralegal*
BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on November 12, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S ANSWER, GROUNDS OF REJECTION

A review of the file indicates that the Examiner's Answer mailed April 28, 2008 does not comply with the guidelines provided in § 1207.02 of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 6, September 2007) because it refers, either directly or indirectly, to a prior Office action without fully restating the point relied upon in the answer. If there is a complete and thorough development of the issues in a prior action, the examiner may copy any referenced prior rejection(s) from the prior Office action into the examiner's answer. The examiner is reminded to reevaluate his or her prior position in light of the arguments presented in the Brief, and should expressly withdraw any rejections not adhered to in the "Grounds of Rejection Withdrawn" section of the Examiner's Answer.

Therefore, a substitute Examiner's Answer which fully restates any prior points relied upon in the Answer is required.

CONCLUSION

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to vacate the Examiner's Answer mailed April 28, 2008;
- 2) to generate a new Examiner's Answer which does not refer directly or indirectly to a prior Office action without fully restating the point relied on in the Answer; and

3) for such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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